

Application for Financial Assistance & Coordination Plan Outline



**Montana Department of Transportation
Fiscal Year 2008**

➤➤ Due May 1, 2007 ◀◀



STATE OF MONTANA

Application for Financial Assistance

A. Organization

1. Legal Name of Applicant Agency:

Name of Transit Program: _____

Transit Coordinator: _____

Street Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

County: _____

Phone Number: _____ Fax Number: _____

E-mail Address: _____

Web Site Address (if available): _____

Tax ID #: _____

Fiscal Year: _____ to _____
(start date) (end date)

2. Agency Sponsor: check

_____ City
_____ County
_____ Tribal
_____ Private Non-profit*
_____ Transit District
_____ Transportation Improvement Area
_____ Other (specify) _____

*Attach a copy of your IRS 501(c) or 501(a)

3. Board of Directors: List all. (This is the governing board for the lead agency.)

| Name | Term of Office | Affiliation |
|------|----------------|-------------|
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4. Structure of the Lead Agency: Include the number of paid full- and part-time positions.

| | Number | Full Time | Part Time |
|--------------|--------|-----------|-----------|
| Executive | _____ | _____ | _____ |
| Office Staff | _____ | _____ | _____ |
| Drivers | _____ | _____ | _____ |
| Dispatch | _____ | _____ | _____ |
| Mechanics | _____ | _____ | _____ |
| Janitorial | _____ | _____ | _____ |

➤ Attach a copy of your organizational chart.

5. Union Affiliation (if applicable):

Union Name: _____

Contact: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ E-mail Address: _____

B. System Description

1. Type of Service (check all that apply):

| | |
|---------------------------------------|---|
| <input type="checkbox"/> Local | <input type="checkbox"/> Demand/Response*** |
| <input type="checkbox"/> Fixed Route* | <input type="checkbox"/> Deviated Fixed Route |
| <input type="checkbox"/> Intercity** | <input type="checkbox"/> Regional |

*If Fixed Route, describe how you meet the requirements of the Americans with Disabilities Act.

**If Intercity, describe frequency of service and areas served.

***If Demand/Response, is this:

| |
|--|
| <input type="checkbox"/> Curb-to-curb? |
| <input type="checkbox"/> Door-to-door? |
| <input type="checkbox"/> Through the door? |
| <input type="checkbox"/> Reservations required?* |

*If reservations are required, how far in advance? _____

2. Service Area:

Circle one: City, County, District, Reservation, Other (specify) _____

3. Population:

What is the population of your service area? _____

4. Connectivity:

Do you connect with other modes? Check all that apply.

| | |
|---|---|
| <input type="checkbox"/> Urban Public Systems | <input type="checkbox"/> Airports/Trains |
| <input type="checkbox"/> Park and Ride Lots | <input type="checkbox"/> Intercity Carriers |
| <input type="checkbox"/> Other Operators in Your Region | |

C. Level and Use of Service

1. Ridership:

Estimate the average number of rides – per day _____, per year _____

2. Passenger Type: Indicate percent. Must total 100%.

_____ Elderly (60 and over)

_____ Disabled

_____ Under 60

3. Minority Populations Served: Check all that apply. **See Guidance for breakout.**

_____ Black

_____ Hispanic

_____ Asian

_____ American Indian/Alaskan Native

_____ Other (specify) _____

4. Trip Purpose: Indicate percent.

_____ Nutrition _____ Employment

_____ Education _____ Medical

_____ Shopping _____ Recreation

_____ Other (specify) _____

5. Days/Hours of Service:

List days of the week and hours you are in service. **See Guidance.**

6. Marketing or Advertising:

Explain how people know about or can access your service.

7. Annual Miles of Service:

Total annual mileage of all vehicles: _____

MONTANA COORDINATION PLAN OUTLINE

1. Date Adopted by Board of Directors:

- Attach a copy of the minutes from the meeting where formal action was taken.

2. Agencies involved:

Please describe the agencies associated with your Coordination Plan and their level of participation. Describe your entire coordinated transportation service. Include route information and days and hours of service. Explain how each vehicle is used in this coordinated system. The following information must also be included: year, vehicle type, mileage, and accessible or non-accessible.

- Attach cooperative agreements/contracts.

3. Agencies not involved:

List the agencies that are not currently participating in the Coordination Plan and reasons why not.

- Attach letters from agencies.

4. Public Involvement:

Describe how users of your service as well as low income, minority, and the general population of your service area were able to participate in the development of this application and Coordination Plan.

5. Private Sector:

Describe any private transportation providers, including taxi companies in your service area, and explain how they participated in the development of this application and service plan.

6. Transportation Advisory Committee (TAC) Meetings:*

How often does your TAC meet?

- Attach meeting minutes from
 - Meeting where capital projects were reviewed.
 - Meeting where the Coordination Plan was approved.

*Billings, Great Falls, and Missoula may work with a different coordinating council.

- 7. Transportation Advisory Committee Members:** This should include consumers and/or representatives from all agencies either receiving service, financially supporting the program, and/or agencies participating in this Coordination Plan. Please indicate officers.

[illegible]

FINANCIAL INFORMATION

D. Operating Expenses

| | Direct Cost | In-kind |
|--|-------------|----------|
| 1. Labor | | |
| a. Driver Wages | _____ | _____ |
| b. Mechanic Wages | _____ | _____ |
| c. Dispatcher Wages | _____ | _____ |
| 2. Fringe Benefits | | |
| a. Driver/Mechanic/Dispatcher Fringe Benefits Distribution | _____ | _____ |
| 3. Services | | |
| a. Professional and Technical Services (itemize on page 10) | _____ | _____ |
| b. Advertising Fees | _____ | _____ |
| c. Custodial Services (bus-related only) | _____ | _____ |
| d. Other Services (itemize on page 10) | _____ | _____ |
| 4. Materials and Supplies Consumed | | |
| a. Fuel and Lubricants | _____ | _____ |
| b. Other Materials and Supplies | _____ | _____ |
| 5. Purchased Transportation Service | | |
| a. Purchased Transportation Service | _____ | _____ |
| 6. Taxes | | |
| a. Vehicle Licensing and Registration Fees | _____ | _____ |
| 7. Other Operating Expense | | |
| a. Other Expenses (itemize on page 10) | _____ | _____ |
| TOTAL OPERATING EXPENSES | \$ _____ | \$ _____ |

E. Administrative Expenses

| | Direct Cost | In-kind |
|--|-------------|----------|
| 1. Labor | | |
| a. Manager/Coordinator, Admin. Personnel (itemize on page 10) | _____ | _____ |
| 2. Fringe Benefits | | |
| a. Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution | _____ | _____ |
| 3. Materials and Supplies | | |
| a. Office Supplies | _____ | _____ |
| 4. Casualty and Liability Costs | | |
| a. Casualty and Liability Costs | _____ | _____ |
| 5. Utilities | | |
| a. Utilities (Gas, Electric, Sewer, Phone and Internet) | _____ | _____ |
| 6. Taxes | | |
| a. Property Tax | _____ | _____ |
| 7. Leases and Rentals | | |
| a. Vehicle (itemize on page 10) | _____ | _____ |
| b. Facilities (itemize on page 10) | _____ | _____ |
| 8. Miscellaneous Expense | | |
| a. Dues and Subscriptions (transit-related only) | _____ | _____ |
| b. Travel and Meetings (transit-related only) | _____ | _____ |
| c. Drug Testing | _____ | _____ |
| d. Promotion for Coordination & Ridesharing | _____ | _____ |
| e. Indirect Cost (prior approval required from MDT) | _____ | _____ |
| ➤ Attach cost allocation plan. | | |
| 9. Other Administrative Expenses | | |
| a. Other Expenses (itemize on page 10) | _____ | _____ |
| TOTAL ADMINISTRATIVE EXPENSES | \$ _____ | \$ _____ |

F. Maintenance Expenses

| 1. Maintenance | Direct Cost | In-kind |
|--|--------------------|----------------|
| a. Vehicle Maintenance Parts and Service (itemize on page 10) | _____ | _____ |
| b. Tires and Tubes | _____ | _____ |
| TOTAL MAINTENANCE EXPENSES | \$_____ | \$_____ |

G. Reimbursement Calculations

| | | |
|--|----------------|----------------|
| 1. Total Operating Expenses | \$_____ | |
| 2. Total Amount of Fares/Donations | \$_____ | |
| 3. Net Operating Deficit (line 1 minus line 2) | \$_____ | |
| 4. Eligible Operating Reimbursement at 54% | | \$_____ |
| 5. Total Administrative Expenses | \$_____ | |
| 6. Eligible Administrative Reimbursement at 80% | | \$_____ |
| 7. Total Maintenance Expenses | \$_____ | |
| 8. Eligible Maintenance Reimbursement at 80% | | \$_____ |
| 9. Add lines 4, 6 and 8 | | |
| TOTAL OPERATING GRANT REQUEST | | \$_____ |
| Eligible In-Kind @ 15% of Total Operating Grant Request | \$_____ | |

H. Match Revenue

1. List sources and amounts of contracts, cash sources including public or private funds, local taxes, and/or federal funds from U.S. Department of Health and Human Services programs.

| Source | Amount |
|--------|--------|
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I. List of Itemized Expenses and In-Kind

1. Identify and list those expenses as requested including the amount. Also, identify those items provided as in-kind.

| Item | Amount |
|------|--------|
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J. Capital Expenses

| Vehicle Type | Quantity | Estimated Cost | Total |
|--|-----------------|-----------------------|--------------|
| 1. 7-Passenger Mini-Van* | _____ | \$ 26,000 | _____ |
| 2. Mini-Van Conversion (ramp) | _____ | \$ 36,000 | _____ |
| 3. 10-Passenger Small Bus (1 Wheelchair Station) | _____ | \$ 50,000 | _____ |
| 4. 12-Passenger Small Bus** (6 Wheelchair Stations) | _____ | \$ 58,000 | _____ |
| 5. 13-Passenger Small Bus** (2 Wheelchair Stations) | _____ | \$ 55,000 | _____ |
| 6. 17-Passenger Small Bus** (2 Wheelchair Stations) | _____ | \$ 62,000 | _____ |
| 7. 21-Passenger Small Bus** (3 Wheelchair Stations) | _____ | \$ 64,000 | _____ |
| 8. 25-Passenger Body on Chassis** (2 Wheelchair Stations) | _____ | \$ 75,000 | _____ |
| 9. 23-Passenger Light-Duty Transit** (3 Wheelchair Stations) | _____ | \$ 95,000 | _____ |
| 10. 23-Passenger Medium-Duty Transit** Low-Floor (2 Wheelchair Stations) | _____ | \$180,000 | _____ |
| 11. Base Station | _____ | \$ 3,000 | _____ |
| 12. Mobile Two-Way Radio | _____ | \$ 2,000 | _____ |
| 13. Computer System w/Printer | _____ | \$ 2,500 | _____ |
| 14. 2-Place Bike Rack | _____ | \$ 2,500 | _____ |
| 15. Front & Side Destination Sign Passenger Signal System | _____ | \$ 13,000 | _____ |
| 16. Overhead Storage Compartments for Both Sides of the Bus | _____ | \$ 2,000 | _____ |
| 17. Passenger Shelters | _____ | \$ 8,000 | _____ |
| 18. Facilities | | \$ _____ | |
| 19. Other _____ | _____ | \$ _____ | |
| Total Estimated Capital Costs 100% | | \$ _____ | |
| Total Federal Capital Assistance Request 86% | | \$ _____ | |
| Total Local Match Capital Assistance Request 14% | | \$ _____ | |

* Note: If you do not have a wheelchair-lift equipped vehicle in your fleet that meets ADA standards, you cannot apply for a non-accessible van.

** Note: All buses are specified with diesel engines.

[illegible]

Need

Describe the need for each piece of equipment requested including if this equipment will replace existing equipment, expand service, or if this is a new service.

[illegible]

K. New Transit Programs

1. New Freedom

The New Freedom Program is a new program authorized in SAFETEA-LU to support new public transportation services and public transportation alternatives beyond those required by the American with Disabilities Act of 1990 (42 USC 12101 *et. seq.*). This program is codified in 49 USC 5317.

The New Freedom Grant Program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. In particular, this program helps to provide eligible participants with access to such services as job training, health care, senior centers, or rehabilitation programs.

All projects funded under this program are required to come from a locally developed, coordinated public-transit human-service transportation coordination plan. The coordination plan must be developed through a process that includes representatives from the public, private, and non-profit transportation and human-services providers and participation by the public.

Both capital and operating subsidies are available. Matching ratios are 80 percent federal with a 20 percent local match for capital projects and a 50 percent federal and 50 percent local match required for operating.

The Montana Department of Transportation has not yet developed the parameters of the Montana program nor the required competitive selection process.

If you are interested in pursuing projects eligible under this program, please contact your regional planner at MDT. See page 7 of the Guidance document.

2. Job Access and Reverse Commute Program (JARC)

The JARC Program originally selected projects through a national competition based on statutorily specified criteria. However, since the passage of SAFETEA-LU, JARC funding is allocated by formula to states for areas with populations below 200,000. This program is designed to help welfare recipients and low-income families transition from welfare to work and reach needed employment support services such as child-care and job-training activities. It allows local transit programs the opportunity to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to get and keep jobs. With many new entry level jobs located in malls and in suburban areas, low-income and/or welfare recipients have found it difficult to access these jobs from their urban and rural neighborhoods on a daily basis. Further, many entry level jobs require working late at night and/or on weekends when conventional transit services in many communities are either reduced or nonexistent. Finally, many

employment-related trips are complex for low-income persons, often involving multiple trip destinations, including reaching child-care facilities and other services as part of the work trip.

All projects funded under this program are required to come from a locally developed, coordinated public-transit human-service transportation coordination plan. The coordination plan must be developed through a process that includes representatives from the public, private, and non-profit transportation and human-services providers and participation by the public.

Both capital and operating subsidies are available. Matching ratios are 80 percent federal with a 20 percent local match for capital projects and 50 percent federal with a 50 percent local match required for operating.

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If you are interested in pursuing projects eligible under this program, please contact your regional planner at MDT. See page 7 of the Guidance document.

ATTACHMENT CHECK LIST

Coordination Plan

Please Circle

1. Yes / No Copy of the minutes from the meeting where your Board of Directors adopted the Coordination Plan.
2. Yes / No Letters or cooperative agreements from organizations and agencies participating in the Coordination Plan development or service.
3. Yes / No Letters from organizations and agencies who choose not to participate in the Coordination Plan development or service.
4. Yes / No Copies of letters requesting taxicab companies or other private operators to participate in the Coordination Plan development or service.
5. Yes / No Copies of TAC meeting minutes.

Application for Federal Funds

6. Yes / No Copy of private non-profit IRS 501(c) or 501(a) exemption.
7. Yes / No Copy of your organizational chart.
8. Yes / No Copy of schedule/map/brochure describing your schedule and service.
9. Yes / No Copy of public notice given in the area newspaper of Coordination Plan and application for federal funds.
10. Yes / No Copy of public hearing transcript if a public hearing was requested.
11. Yes / No Copy of maintenance plan approved by governing board.
12. Yes / No Copy of local program complaint procedures including Title VI nondiscrimination complaint procedures.
13. Yes / No Verification that project is included in the Transportation Improvement Program adopted by the MPO. This is for applicants in Billings, Great Falls, and Missoula only.
14. Yes / No Copy of cost allocation plan.

AUTHORIZATION TO MAKE APPLICATION

Name of Applicant Agency: _____

BY SIGNING BELOW, I _____ (name), on behalf of the
_____, (applicant), declare that this **Applicant** has duly
authorized me to make these certifications and assurances and bind the applicant's
compliance. Thus, the **Applicant** agrees to comply with all state and federal statutes,
regulations, executive orders and administrative guidance required by the State of
Montana and Federal Transit Administration.

Further, I hereby authorize this **Applicant** to be the Lead Agency in this service area. I
assure the **Applicant** has the fiscal, managerial, and legal capabilities to administer the
transit program and to receive and disburse federal funds. I also assure that some
combination of private, local, state, or federal funds have or will be committed to provide the
required local match.

Signature: _____

Title: _____

Date: _____

ASSURANCES AND CERTIFICATIONS

APPLICANT ORGANIZATION ASSURANCES

The Montana Department of Transportation (MDT) and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which funding is provided. The type of project and the section of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurances reflect applicable requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109 -59, Aug. 10, 2005.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(12) for Federal Fiscal Year 2006 at the FTA website http://www.fta.dot.gov/16874_16882_ENG_HTML.htm. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

01. FOR EACH APPLICANT

A. The Applicant assures that it meets the required Section 5310, Section 5311 or TransADE program requirements as specified in the Application Guide.

B. Assurance of Authority of the Applicant and Its Representative

The authorized representative of the Applicant who signs these certifications, assurances, and agreements affirm that both the Applicant and its authorized representative have adequate authority under applicable state and local law and the Applicant's by-laws or internal rules to:

- (1) Execute and file the application for Federal assistance on behalf of the Applicant;
- (2) Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant; and
- (3) Execute grant agreements and cooperative agreements with MDT on behalf of the Applicant.

C. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by an MDT grant. The Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with MDT. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that

the most recent Federal laws, regulations, and directives will apply to the project, unless MDT issues a written determination otherwise.

D. Nondiscrimination Assurance

The Applicant assures that it will comply with all applicable civil rights requirements and has signed the Nondiscrimination Assurance attached to this document.

E. U.S. Office of Management and Budget (OMB) Assurances

Consistent with OMB assurances set forth in SF-424B and SF-424D, the Applicant assures that, with respect to itself or its project, the Applicant:

- (1) Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in its application;
- (2) Will give FTA, the Comptroller General of the United States, and MDT, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives;
- (3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain;
- (4) Will initiate and complete the work within the applicable project time periods following receipt of MDT approval;
- (5) Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:
 - (a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability;
 - (d) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;
 - (e) The Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, and amendments thereto, 21 U.S.C. 1174 *et seq.* relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, Pub. L. 91-616, Dec. 31, 1970, and amendments thereto, 42 U.S.C. 4581 *et seq.* relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-3 and 290ee-3, related to confidentiality of alcohol and drug abuse patient records;

- (h) Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*, relating to nondiscrimination in the sale, rental, or financing of housing; and
 - (i) Any other nondiscrimination statute(s) that may apply to the project;
- (6) To the extent applicable, will comply with, or has complied with, the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, which, among other things, provide for fair and equitable treatment of persons displaced or persons whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes and displacement caused by the project regardless of Federal participation in any purchase. As required by sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, and by U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR 24.4, the Applicant assures that it has the requisite authority under applicable state and local law to comply with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*, and U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, and will comply with that Act or has complied with that Act and those implementing regulations, including but not limited to the following:
- (a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24;
 - (b) The Applicant will provide fair and reasonable relocation payments and assistance as required by 42 U.S.C. 4622, 4623, and 4624; 49 CFR part 24; and any applicable FTA procedures, to or for families, individuals, partnerships, corporations, or associations displaced as a result of any project financed with FTA assistance;
 - (c) The Applicant will provide relocation assistance programs offering the services described in 42 U.S.C. 4625 to such displaced families, individuals, partnerships, corporations, or associations in the manner provided in 49 CFR part 24;
 - (d) Within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to displaced families and individuals as required by 42 U.S.C. 4625(c)(3);
 - (e) The Applicant will carry out the relocation process in such manner as to provide displaced persons with uniform and consistent services, and will make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin;
 - (f) In acquiring real property, the Applicant will be guided to the greatest extent practicable under state law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652;
 - (g) The Applicant will pay or reimburse property owners for necessary expenses as specified in 42 U.S.C. 4653 and 4654, with the understanding that FTA will provide Federal financial assistance for the Applicant's eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631;
 - (h) The Applicant will execute such amendments to third party contracts and subagreements financed with MDT/FTA assistance and execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement the assurances provided herein; and

- (i) The Applicant agrees to make these assurances part of or incorporate them by reference into any third party contract or subagreement, or any amendments thereto, relating to any project financed by FTA involving relocation or land acquisition and provide in any affected document that these relocation and land acquisition provisions shall supersede any conflicting provisions;
- (7) To the extent applicable, will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted projects;
- (8) To the extent applicable, will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), requiring the Applicant and its subrecipients in a special flood hazard area to participate in the program and purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (9) To the extent applicable, will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures;
- (10) To the extent applicable, will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities on which a construction project supported with MDT/FTA assistance takes place without permission and instructions from MDT/FTA;
- (11) To the extent required by MDT/FTA, will record the Federal interest in the title of real property, and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project;
- (12) To the extent applicable, will comply with MDT/FTA provisions concerning the drafting, review, and approval of construction plans and specifications of any construction project supported with FTA assistance. As required by U.S. DOT regulations, "Seismic Safety," 49 CFR 41.117(d), before accepting delivery of any building financed with FTA assistance, it will obtain a certificate of compliance with the seismic design and construction requirements of 49 CFR part 41;
- (13) To the extent applicable, will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with MDT/FTA assistance to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by FTA or MDT;
- (14) To the extent applicable, will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:
 - (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 through 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;
 - (b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;
 - (c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;
 - (d) Evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note;

- (e) Assurance of project consistency with the approved state management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 through 1465;
 - (f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 through 7671q;
 - (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
 - (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 1544; and
 - (i) Environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c);
 - (j) Protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 through 1287; and
 - (k) Provision of assistance to MDT/FTA in complying with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f; with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 through 469c ; and with Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note;
- (15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501 through 1508 and 7324 through 7326, which limit the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement except, in accordance with 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;
- (16) To the extent applicable, will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;
- (17) To the extent applicable, will comply with the Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 *et seq.*, and U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;
- (18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*, OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and the most recent applicable OMB A-133 Compliance Supplement provisions for the U.S. DOT; and

- (19) To the extent applicable, will comply with all applicable provisions of all other Federal laws, regulations, and directives governing the project, except to the extent that MDT/FTA has expressly approved otherwise in writing.

02. LOBBYING CERTIFICATION

- A. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to MDT for Federal assistance exceeding \$100,000:
- (1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and
 - (2) If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
 - (3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, contracts under grants, loans, and cooperative agreements).
- B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal Government and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

03. PROCUREMENT COMPLIANCE

The Applicant certifies that its procurements and procurement system will comply with all applicable third party procurement provisions of Federal laws, regulations, and directives, except to the extent MDT has expressly approved otherwise in writing.

04. PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will

have:

- A. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306;
- B. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- C. Paid just compensation under state or local law to the company for any franchise or property acquired.

05. PUBLIC HEARING

As required by 49 U.S.C. 5323(b), the Applicant certifies that it has, or before submitting its application, it will have:

- A. Provided an adequate opportunity for public review and comment on the project preceded by adequate prior public notice of the proposed project, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served;
- B. Held a public hearing on the project if the project affects significant economic, social, or environmental interests after providing adequate notice as described above;
- C. Considered the economic, social, and environmental effects of the proposed project; and
- D. Determined that the proposed project is consistent with official plans for developing the urban area.

06. ACQUISITION OF ROLLING STOCK

As required by 49 U.S.C. 5323(m) and implementing FTA regulations at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 when procuring revenue service rolling stock. Among other things, the Applicant agrees to conduct or cause to be conducted the requisite pre-award and post-delivery reviews, and maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

07. ACQUISITION OF CAPITAL ASSETS BY LEASE

As required by FTA regulations, "Capital Leases," at 49 CFR 639.15(b)(1) and 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized for 49 U.S.C. chapter 53, the Applicant certifies as follows:

- (1) It will not use Federal assistance authorized to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset; and It will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and
- (2) It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease if Federal assistance is not available for capital projects in the subsequent years.

08. BUS TESTING

As required by 49 U.S.C. 5318 and FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant certifies that, before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665), the bus model:

- A. Will have been tested at FTA's bus testing facility; and
- B. Will have received a copy of the test report prepared on the bus model.

09. CHARTER SERVICE AGREEMENT

- A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," at 49 CFR 604.7, the Applicant agrees that it and each subrecipient and third party contractor at any tier will:
 - (1) Provide charter service that uses equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects, only to the extent that there are no private charter service operators willing and able to provide the charter service that it or its subrecipients or third party contractors at any tier desire to provide, unless one or more of the exceptions in 49 CFR 604.9 applies; and
 - (2) Comply with the requirements of 49 CFR part 604 before providing any charter service using equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects.
- B. The Applicant understands that:
 - (1) The requirements of 49 CFR part 604 will apply to any charter service it or its subrecipients or third party contractors provide,
 - (2) The definitions of 49 CFR part 604 will apply to this Charter Service Agreement, and
 - (3) A violation of this Charter Service Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

10. SCHOOL TRANSPORTATION AGREEMENT

- A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant agrees that it and each subrecipient or third party contractor at any tier will:
 - (1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f) and (g), and Federal regulations; and
 - (2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 for transportation projects.
- B. The Applicant understands that:

- (1) The requirements of 49 CFR part 605 will apply to any school transportation service it or its subrecipients or third party contractors provide,
- (2) The definitions of 49 CFR part 605 will apply to this School Transportation Agreement, and
- (3) A violation of this School Transportation Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

11. DEMAND RESPONSIVE SERVICE

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," at 49 CFR 37.77(d), the Applicant certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. When the Applicant's service is viewed in its entirety, the Applicant's service for individuals with disabilities is provided in the most integrated setting feasible and is equivalent with respect to: (1) response time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on trip purpose, (6) availability of information and reservation capability, and (7) constraints on capacity or service availability.

12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Applicant certifies that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655.

13. NONURBANIZED AREA FORMULA PROGRAM

The Applicant assures on behalf of itself and its subrecipients as follows:

- A. The Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- B. The Applicant assures that the project equipment and facilities will be adequately maintained;
- C. In compliance with 49 U.S.C. 5311(b)(2)(C)(ii), the Applicant's program provides or will provide the maximum feasible coordination of public transportation service to receive assistance under 49 U.S.C. 5311 with transportation service assisted by other Federal sources;
- D. The projects in the state's Nonurbanized Area Formula Program are included in the Statewide Transportation Improvement Program and, to the extent applicable, the projects are included in a metropolitan Transportation Improvement Program;
- E. The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5311(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- F. The Applicant assures, as a minimum, that insurance coverage will be provided on all

- vehicles and/or equipment purchased under this program grant sufficient to protect MDT/FTA's matching share for the lifetime of the project;
- G. The applicant assures that it has or will have available at the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with State or Federal assistance awarded for this project;
 - H. The Applicant has complied or will comply with the transit employee protective provision of 49 U.S.C. 5333(b) and has signed the "Labor Warranty Section 13(c)" certification attached to this document; and
 - I. Unless otherwise noted, each of the Applicant's projects qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," at 23 CFR 771.117(c).

Signed by _____

Title _____

Organization Name _____

Date _____

NON-DISCRIMINATION ASSURANCE

During the performance of this Agreement, the Applicant (hereafter in this Section “the Party”), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FTA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FTA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FTA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State,

and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Signed by _____

Organization Name _____

Date _____

**LABOR WARRANTY
SECTION 13(c)**

The Applicant hereby certifies that the terms and conditions of the Warranty still apply for the protection of the transportation-related employees of any employer providing transportation services assisted by the project and the transportation-related employers of any other surface public transportation provider in the transportation service area of this project as defined in 49 U.S.C. 5333(b).

Signed by _____

Organization Name _____

Date _____

The Montana Department of Transportation attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information, call (406)444-3423 or TTY (800)335-7592, or call the Montana Relay at 711.